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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,675	03/30/2001	Barbara A. Christensen	RA 5365 (33012/312/101)	9210
27516 7590 09/28/2007 UNISYS CORPORATION MS 4773 PO BOX 64942 ST. PAUL, MN 55164-0942			EXAMINER HU, JINSONG	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 09/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/822,675

**Applicant(s)**

CHRISTENSEN ET AL.

**Examiner**

Jinsong Hu

**Art Unit**

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 5, 10, 15 and 19-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***

1. Claims 1-20 are presented for examination.
2. The DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. 1.131 filed on 7/12/07 under 37 CFR 1.131 has been considered but is ineffective to overcome the Sears reference.

The DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. 1.131 attempts to show actual reduction to practice of the invention prior to the effective date of the reference 8/30/2000.

When reviewing a 37 CFR 1.131 affidavit or declaration, the examiner must consider all of the evidence presented in its entirety, including the affidavits or declarations and all accompanying exhibits, records and "notes." However, in the affidavits the applicant recited "Cool ICE Revision 2.1 was completed and first placed on commercial sale on 04/04/00" which is a mere allegation. Actual reduction of practice is determined through analysis of facts and evidence, which have not been provided. The applicant also must give a clear explanation of the exhibits (which have not been submitted with this Declaration) pointing out exactly what facts are established and relied on by the applicants. The statement which recited in paragraph 4 and 5 are general allegation that the invention was completed prior to the date of the reference 8/30/2000 without a presentation of facts demonstrating the correctness of this conclusion, is insufficient to satisfy 37 CFR 1.131.

There is not enough evidence to clearly prove the relationships between "Cool ICE Revision 2.1" and the claims. The applicant has just only pointed out that "The document of Exhibit A in general and sections 2, 4, 5, and 9-12, in particular, establish that the commercial product describe therein (i.e., Cool ICE Revision 2.1), which was on-sale in April 2000, contains all of the elements and the combination thereof constituting the invention of claims 1-20 of the subject application." The applicant fails to concisely/specifically explained/describe/mapped the elements of each of sections 2, 4, 5, and 9-12 corresponding to the limitations of claims. Based on the Declaration, examiner does not know exactly what limitations, paragraphs, or figures of those sections, which the applicant has relied upon. Therefore, no reduction to practice has been shown and applicant has failed to establish prior invention. Applicant's arguments of the Declaration filed on 7/12/07 under 37 CFR 1.131 have been fully considered but they are not persuasive, and the rejection is still remained.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-4, 6-9, 11-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sears et al. (US 2002/0026507) in view of Duursma et al. (US 6,643,690).

5. As per claims 1-3, Sears teaches the invention as claimed including a data processing system having a user terminal for accessing a selected one of plurality of applications coupled to a data base management system having a data base responsively coupled to said user terminal via a publicly accessible digital data communication network [Fig. 2], the system comprising a user interface module coupled to said user terminal via said publicly accessible digital data communication network [72, Fig. 2; pars. 11, 75 & 77-78] and communicates with said application via said data base management system [pars. 98-99].

6. Sear does not specifically teach user interface module located within the database of the data base management system. However, Duursma on the other hand teaches the service module located within the database of the data base management system [coll. 2, lines 21-26; col. 3, lines 20-32]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify aaa's system with Duursma's service module because doing so would improve the service quality by allowing the database management system easily transmit data to other database management systems [Duursma, col. 3, lines 33-40].

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7. As per claim 4, Sears teaches the selected one of said plurality of applications, said data base management system and said user interface module are resident within a single server [pars. 86, 92 & 94].

8. As per claims 6-9, since they are apparatus claims of claims 1-4, they are rejected for the same basis as claims 1-4 above.

9. As per claims 11-14, since they are method claims of claims 1-4, they are rejected for the same basis as claims 1-4 above.

10. As per claims 16-18, since they are means plus function claims of claims 1-4, they are rejected for the same basis as claims 1-4 above.

#### **Allowable Subject Matter**

11. Claims 5, 10, 15 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Conclusion**

12. Applicant's arguments filed on 7/12/07 for claims 1-20 have been fully considered but they are not deemed to be persuasive.

13. In the remarks, applicant argued in substance that

(1) Affidavits filed on 7/12/07;

(1) Duursma's service module is the user interface module;

(2) References do not teach a user interface module coupled to a user terminal for accessing a selected one of plurality of application coupled to data base management system having a data base;

(3) References do not teach a publicly accessible digital data communication network;

(4) References do not limit the user terminal's software architecture;

(5) References do not teach the "application" and "user interface module" located on a single server;

(6) Sears does not teach the step of transferring, receiving, storing and retrieving;

(7) 103 (a) rejections for claims 5, 10, 15 and 20 are improper.

14. Examiner respectfully traverses applicant's remarks:

A. As to point (1), see paragraph 2 of this action for the reason of not considering the affidavits.

B. As to points (2) and (6), applicant fails to consider the teaching of Duursma's reference for providing a service module to determine for each of applications hosted on the data bases for users [col. 3, lines 20-32], which performs the same function as a user module as applicant claimed. Furthermore, applicant fails to

point out why the "service module" in Duursma is different from the "user interface module" in the claim and to provide relevant explanation.

C. As to points (3) and (4), applicant fails to consider the teaching of Sears for a user terminal for accessing a selected one of plurality of applications coupled to a data base management system having a data base responsively coupled to said user terminal via a publicly accessible digital data communication network [Fig. 2], the system comprising a user interface module coupled to said user terminal via said publicly accessible digital data communication network [72, Fig. 2; par. 11; pars. 75 & 77-78] and communicates with said application via said data base management system [pars. 98-99]. Examiner also pointed out Sears does not limit the user interface module located within a data base management system. However, Duursma on the other hand teaches the service module located within the database of the data base management system [coll. 2, lines 21-26; col. 3, lines 20-32]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Sears's system with Duursma's service module because doing so would improve the service quality by allowing the database management system easily transmit data to other database management systems [Duursma, col. 3, lines 33-40].

D. As to point (5), applicant fails to consider the teaching of Sears for providing a browser application service to user [par. 4; Fig. 15], a commercially browser, which is exactly as applicant claimed.

E. As to point (7), applicant fails to consider the teaching of Sears's reference for receiving the request from user, processing the request and then sending the



requested content to the user [par. 103]. Thus, Sears does teach the limitation in the claim.

F. As to point (3), the combination of the both references are based on the knowledge of a person with ordinary skill in the art and implemented, thus the 103(a) rejection is proper.

Accordingly, Sears and Duursma are still relevant prior art references.

15. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

16. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

September 24, 2007  
NATHAN FLYNN  
SUPERVISORY PATENT EXAMINER